

REMARKS

These remarks are submitted in reply to the Office Action dated April 09, 2008. Applicant respectfully requests reconsideration and further examination of the patent application under 37 C.F.R. § 1.111.

Claims 1, 3 – 12, 14 – 23, 25 - 33 remain in the application. Based on the remarks herein, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

I. Claims 2-4, 6-11, 13-22, 24-26, 28-33 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 2-4, 6-11, 13-22, 24-26, 28-33 to include the suggestions set forth in the office action as well as remedy the reasons for the objections for the respective claims. Applicant thus submits these objections have been traversed.

II. Claims 1-33 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of copending Application No. 10/858,016. Applicant submits herewith a terminal disclaimer to traverse this rejection.

III. Claims 1, 5,12,16,23,27 were rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg (US 2005/0212676). Claims 2 - 4, 6 - 11, 13 - 15, 17 - 22, 24 - 26, 28 - 33, were

considered allowable over the prior art of record as the prior art fails to disclose or render obvious a scanning antenna as specified in claims 2, 13 and 24.

Applicant has amended the respective independent claims to include the limitations set forth in these claims and submits that with these amendments all remaining claims as amended are in condition for allowance.

CONCLUSION

From the foregoing, Applicants respectfully submit that all of the stated grounds of rejections have been properly traversed, accommodated, or rendered moot. Accordingly, Applicants respectfully request that the application is in condition for allowance and respectfully request such action.

If the Examiner believes, for any reasons, that personal communication will expedite prosecution of this application the Examiner is invited to telephone the undersigned at the following number: 202-607-4607.

The USPTO is authorized to charge Deposit Account No. 502697 any fees associated with this response.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'James S. Finn', is written over a horizontal line.

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